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OLC 72-1075

12 October 1972

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MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Ed Braswell, Chief Counsel,
Senate Armed Services Committee

1. I met with Ed Braswell today and brought him up-to-date on current intelligence briefing items since 26 September.

2. Subsequently, at lunch, Mr. Braswell and I discussed the following items:

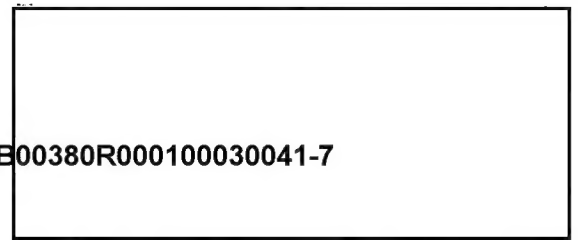
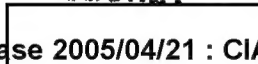
a. CIARDS ceiling. Braswell mentioned that the Committee staff would have a lot of work ahead of it next year including a complete review of the military retirement system. I took advantage of this opportunity to mention that we plan to submit some retirement legislation next year. I mentioned specifically our need for an increase in our retirement ceiling in view of the unanticipated increase in retirements in recent months. I told him we now expect the number of retirement cases through 30 June 1974 to be something like [] rather than the [] we had originally anticipated. Braswell seemed to appreciate the need for increasing this ceiling and said this was, of course, a natural result of the increased number of retirements associated with the reductions in personnel in Government. (I did not get into the issue of removal of the quota entirely as opposed to an increase to a specified ceiling.)

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b. Withdrawal of CIARDS annuity in security cases. I told Braswell that, largely as an outgrowth of the Marchetti case, we were giving some consideration to the desirability of legislation which would permit the Director to terminate the CIARDS annuity of any employee who divulged information contrary to his employment commitments to the Agency. Braswell said he appreciated

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the point here, but immediately zeroed in on the vulnerability of such a provision as a denial of an employee's rights without due process of law. I told him that we were not unmindful of this point but felt we should explore the possibilities in cases of this sort. I added that we were very proud of our security procedures in the Agency but felt we had been very fortunate in not having had a Martin or Mitchell type case in the 25 years of our existence. I said sooner or later we were bound to have such a case and we wanted to try to have some foresight based on their past experiences. Braswell agreed that we should at least explore various alternatives for meeting such a situation.

c. Congressional elections. Braswell said my guess was as good as his on the question of whether the Republicans would gain a majority of the Senate seats next year, but said this would probably depend on the way the elections went in the South. We talked about Senator Margaret Chase Smith's situation and he said that while she had a very worthy opponent he felt that her name and the State of Maine were practically synonymous and he couldn't see how she could lose, especially in view of the strong Republican Presidential vote that is expected. When I asked him the effect on his situation if Senator Smith became Chairman of the Committee, he said he wasn't really sure although certainly Senator Smith should have the right to name whomever she wished as her staff director. He added he wasn't really worried about this since he was sure that he would retain a decent position. He also commented that he had 28 years of service and couldn't keep this pace up forever, so the prospect of retirement did not really scare him. Braswell said that since they had no designated subcommittees in the Armed Services Committee they didn't have the problem which some committees have experienced of having a minority staff member for every subcommittee. He said Larry Garcia was Senator Smith's appointee to the staff and Ed Kenney was, of course, Senator Thurmond's man. He added that since both of these staffers are charged to the minority side, they are of no real assistance to him.

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3. Mr. Braswell commented that he thought we (speaking collectively) had done well in avoiding any legislation detrimental to the Agency in this Congress. I said we had to credit him with avoiding any Committee action on the Cooper bill (S. 2224) which would have required the submission of intelligence information to the Congress through the Armed Services and Foreign Relations Committees. We speculated as to who might be expected to take up the crusade for this legislation following Senator Cooper's retirement. He said he was sure someone would take it up, but he had the impression from a comment Carl Marcy, Senate Foreign Relations Committee staff, had made to him that this was essentially Senator Cooper's bill and did not have a great deal of force behind it in the Committee.

4. Braswell mentioned that the upper echelons of the Defense Department would be in a state of turmoil after the first of the year since Secretary Laird's departure left the status of a number of assistant secretaries very much in doubt. In this connection he commented that while Deputy Secretary of Defense Kenneth Rush was a nice guy, he was not really prepared to cope with the Pentagon's problems and certainly did not know how to deal with the Congress. He said it took a real politician to handle the top jobs in the Pentagon. I asked him for his assessment of Secretary Laird's tenure in this regard. He characterized Laird's recent problem as one of frustration with the position. He confided that during a recent Committee meeting, following a series of nettlesome barbs by Scoop Jackson, Laird snapped "You're the guy that was supposed to be handling these problems." I asked Braswell about Fred Buzhardt, General Counsel, DOD, and he said he expected him to remain on the job. (Braswell has known Buzhardt for many years and although he gets irritated with him from time to time, he has a high regard for him.)

5. Our conversation drifted to a postmortem of Robert McNamara's tenure as Secretary of Defense and Braswell agreed that McNamara's one big problem was his inability to get along with the Congress. He recounted a story of McNamara's testimony at a posture briefing of the House Armed Services Committee when Mendel Rivers was chairman and said that Rivers actually ordered McNamara from the hearing room with the comment that the Committee did not want to hear anything further from him. He said McNamara's resignation followed shortly thereafter.

Deputy Legislative Counsel

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